

SUMMARY OF THE INTERVIEWS

Participants:

John M. Grover
Examiner Janvier
Supervisor Stamber
Eventually Supervisor Myhre and Director Coggins

Substance of the Interview:

The Applicant had several telephone conferences after the issuance of the 2nd Office Action in the present application. The Applicant felt that the 2nd Office Action was entirely inappropriate. The Applicant was seeking review of Examiner Janvier's actions. In a telephone call between Examiner Janvier, the Applicant's representative and the Examiner's supervisor, it was agreed that the Examiner Janvier needed to vacate the 2nd Office Action. Examiner Janvier delayed vacating the action as the Examiner was convinced that so long as the Office needed to issue a new action, no abandonment could occur. The Applicant, unable to get Supervisor Stamber to return their calls, telephoned the Examiner and pleaded to have a new Office Action before the statutory deadline ran from the 2nd Office Action. During that call, the Examiner stated that he was too busy to issue the Office Action within the deadline. Failure to issue the action statutorily abandons the application. The Applicant stressed that abandonment was not an option. The Applicant also mentioned that they would have to contact the Director, as there was no response from the supervisor, to avoid abandonment.

Due to a lack of any additional response from Supervisor Stamber or Examiner Janvier, the Applicant notified Director Coggins of the issue. Director Coggins and Supervisor Myhre determined that issuing an interview summary vacating the Office Action would avoid abandonment and a new Office Action could then be issued later.

The very next day, Examiner Janvier issued the present Office Action, which is primarily a copy of an earlier prior art rejection in the prosecution history.